



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,811	12/11/2003	Sundeep Bhan	2000874.146US1	2784

23483 7590 07/10/2007
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
----------	--------------

3629

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/10/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

michael.mathewson@wilmerhale.com
teresa.carvalho@wilmerhale.com
tina.dougal@wilmerhale.com

Office Action Summary

Application No.

10/734,811

Applicant(s)

BHAN ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action.
2. The Request filed on 5/7/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/734,811 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

3. Claims 7, 9, and 15-18 have been cancelled; therefore, Claims 1-6, 8, and 10-14 are currently pending in application 10/734,811.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3629

5. Claims 1-6, 8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gal et al. (WO 01/52106 A2).
6. As per **independent Claim 1**, Gal discloses a method of selectively distributing invitations for a plurality of events (Abstract), the method comprising the steps of: storing event information about each of a plurality of events (C3 L8-11, the user creates a message and provides profile information – the message would inherently be saved in order to do a query on members), wherein the event information for each of the plurality of events includes one or more corresponding invitee selection criteria (C3 L8-15, profile information); storing member information for each of a plurality of members (C3 L8-15, database of recipients), wherein; for each of the plurality of members, detecting whether the invitee selection criteria for any of the events matches the member information for that member (C2 L11-13, C3 L8-15, C5 L6-12, C6 L7-13); and for each of the members for whom a match was detected, asynchronously sending an electronic invitation message (C3 L8-15, C4 L5-10), wherein the electronic invitation message invites its recipient to the events for which a match was detected, and wherein at least one of the electronic invitation messages sent invites its recipient to a plurality of events for which a match was detected (Invitations, Fig.4, C5 L26-27).
7. Gal fails to expressly disclose receiving an “e-mail” as described by the applicant, wherein each of the plurality of members has a corresponding electronic mailbox for receiving electronic communications for storage and later retrieval by that member.
8. However, Gal does disclose sending invitations which can be done by “e-mail” (pg.4 L8), and it would have been obvious to use a variety of available e-mail formats available at the

Art Unit: 3629

time the invention was made to include an e-mail system that included an electronic mailbox for receiving electronic communications for storage and later retrieval by that member, for the purpose of providing customers with a wide variety of formats for receiving sent messages.

9. As per **independent Claim 6**, Gal discloses a method of selectively distributing invitations for a plurality of events (Abstract), the method comprising: storing event information about each of a plurality of events (C3 L8-11, the user creates a message and provides profile information – the message would inherently be saved in order to do a query on members), wherein the event information for each of the plurality of events includes one or more corresponding invitee selection criteria (C3 L8-15, profile information); storing member information for each of a plurality of members (C3 L8-15, database of recipients), wherein the member information for each of the plurality of members includes one or more member preferences (C3 L8-15, C5 L6-12, C6 L7-13); determining, based on (a) matches between the member information and the at least one invitee selection criterion for each of the plurality of events and (b) matches between the event information and the at least one member preference for the respective members, which events each of the plurality of members should be invited to (C2 L11-13; C3 L8-15, C5 L6-12, C6 L7-13); and sending invitations to the members based on results of the determining steps (C3 L8-15), wherein the invitations are sent asynchronously via an electronic message (Fig.4, pg.5, using tables 98 and 100 - electronic message) and at least one of the invitations invites its recipients to more than one of the events (C3 L15, C4 L5-10).

10. Gal fails to expressly disclose receiving an “e-mail” as described by the applicant, wherein each of the plurality of members has a corresponding electronic mailbox for receiving electronic communications for storage and later retrieval by that member.
11. However, Gal does disclose sending invitations which can be done by “e-mail” (pg.4 L8), and it would have been obvious to use a variety of available e-mail formats available at the time the invention was made to include an e-mail system that included an electronic mailbox for receiving electronic communications for storage and later retrieval by that member, for the purpose of providing customers with a wide variety of formats for receiving sent messages.
12. As per Claim 2 and 11, Gal discloses wherein the one or more corresponding invitee selection criteria comprises an area of practice (Fig.4, Occupation).
13. As per Claim 3 and 12, Gal discloses wherein the one or more corresponding invitee selection criteria for each of the plurality of events are selected by a sponsor of the respective event (C3 L8-15, user creates message with profile).
14. As per Claim 4 and 13, Gal discloses wherein the one or more corresponding invitee selection criteria comprises an identifier that uniquely identifies an individual member (C5 L6-12, e-mail address).
15. As per Claim 5 and 14, Gal discloses wherein the one or more corresponding invitee selection criteria comprises a list of identifiers, each of which uniquely identifies an individual member (e-mail address, web page).
16. As per Claim 8, Gal discloses wherein, in the determining step, a decision to invite a given member to a given event requires (a) a match between the member information for the given

Art Unit: 3629

member and the at least one invitee selection criterion for the given event and (b) a match between the event information for the given event and the member preference for the given member.

17. As per Claim 10, Gal discloses wherein, in the determining step, a decision to invite a given member to a given event requires (a) a match between the member information for the given member and the at least one invitee selection criterion for the given event and (b) a match between the event information for the given event and the member preference for the given member.

Response to Arguments

18. Applicant's arguments filed 5/7/2007, with respect to Claims 1-6, 8, and 10-14, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

Art Unit: 3629

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

June 25, 2007



JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600